



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Akira NAGAE et al.

Group Art Unit: 3683

Application No.: 09/436,219

Examiner: M. Burch

Filed: November 9, 1999

Docket No.: 104721

For: DEVICE FOR CONTROLLING OVER-ROLLING OF VEHICLE BODY

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In reply to the Office Action mailed January 22, 2004, reconsideration of the above-identified application is respectfully requested.

Applicants appreciate the indication that claims 4 and 6 are allowable as they were objected to as being dependent upon a rejected base claim but otherwise allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. However, Applicants respectfully submit that claim 1, the claim from which all claims in the application depend, is allowable for the reasons discussed below.

In paragraph 3, on page 2 of the Office Action, claims 1-3 and 5 were rejected under 35 U.S.C. §102(e2) as being anticipated by U.S. Patent No. 6,178,368 to Otake. The rejection is respectfully traversed.

Otake is not prior art to Applicants' claimed invention. Otake was filed in the United States on June 24, 1999 based upon a Japanese Patent Application 10-219225 which was filed on August 3, 1998. The Japanese application was published as Publication No. 2000-052963

on February 22, 2000. A copy of the Abstract of the Japanese priority document for Otake is attached.

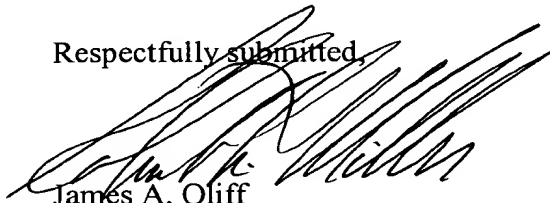
Applicants' application was filed on November 9, 1999 and claimed priority from Japanese Patent Application No. 10-347130 filed December 7, 1998. Thus, Applicants' priority date predates the U.S. filing date of Otake and also predates the publication date of the Japanese priority document of Otake. As such, Otake does not qualify as prior art under 35 U.S.C. §102(e) and there is no showing that it qualifies as prior art under 35 U.S.C. §102(e2) as that deals with a national stage of a PCT application published in English. Further, the priority document to Otake, as pointed out above, does not qualify as prior art under 35 U.S.C. §102(a) or 102(b).

As Otake is not prior art, it is respectfully requested that the rejection be withdrawn and that the application be passed to allowance with all claims 1-6 allowed.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Robert A. Miller

Registration No. 32,771

JAO:RAM/kap

Attachments:

Patent Abstract JPA 10-219225

Verified translation

Date: April 14, 2004

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